



1772

**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number	10/502,473
Filing Date	August 30, 2004
First Named Inventor	Mark Edward Dawes
Art Unit	1772
Examiner Name	Christopher P. Bruenjes
Attorney Docket No.	DTG1-120US

ENCLOSURES (Check all that apply)

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Remarks:**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Name	RatnerPrestia		
Signature			
Printed Name	Frank P. Tise		
Date	September 11, 2006	Registration No.	50,379

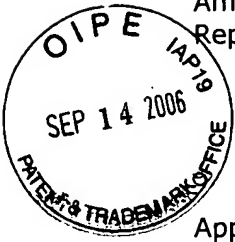
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Typed or Printed Name	Gayle D. Bay	Date	September 11, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/502,473
Applicant: Mark Edward Dawes, et al
Filed: August 30, 2004
Title: HEAT-SEALABLE AND SHRINKABLE MULTI-LAYER POLYMERIC FILM
TC/A.U.: 1772
Examiner: Christopher P. Bruenjes
Confirm. No.: 3902
Docket No.: DTG1-120US

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This is in response to the Restriction Requirement stated in the Office Letter dated **August 16, 2006**.

The Examiner requires that claims from one of the following groups be elected for prosecution.

- (1) Group I, claims 1-23, drawn to a tube; and
- (2) Group II, claims 24-25 and 36, drawn to a film; and
- (3) Group III, claims 26, 28-29, and 32-33, drawn to a method of making a film; and
- (4) Group IV, claims 27-29 and 32-33, drawn to a method of making a tube; and
- (5) Group V, claims 30-33, drawn to a method of sealing a container, and
- (6) Group VI, claims 34-35, drawn to a container.


The applicants elect to prosecute the claims of Group I, claims 1-23. This election is made with traverse, for the following reasons.

The applicants submit that Groups I - VI do in fact share the same or corresponding special technical features, because they share at least all of the same technical features relating to the recited separating means. The issue of whether the special technical features provide a contribution over the prior art has no bearing on whether Groups I - VI share the same features, which is the relevant question.

Further, even if the issue of contribution over the prior art were in fact germane to unity of invention, the applicants point out that this issue has not been

decided since there has been no prosecution of the claims on the merits. For at least these reasons, the restriction requirement should be withdrawn.

Respectfully submitted,



Frank P. Tise Reg. No. 50,379
Agent for Applicants

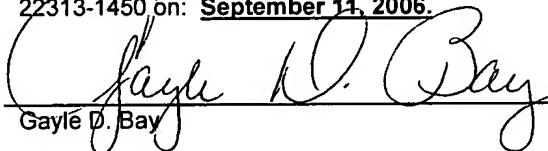
FPT/gdb

Dated: September 11, 2006

P.O. Box 1596
Wilmington, DE 19899
(302) 778-2600

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Gayle D. Bay